



CMP(MD) No.6159/2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2022

CORAM:

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

**CMP (MD) No.6159 of 2022 in
W.A.(MD)No.40698 of 2022**

- 1.The Secretary to the Government,
School Education Department,
Secretariat
Fort St. George,
Chennai 600 009.
- 2.The Director of School Education
College Road
Chennai 600 006.
- 3.The Chief Educational Officer,
Ramanathapuram District
Ramanathapuram
- 4.Regional Accounts Officer (Audit)
School Education Department
Madurai 625 002.
- 5.The Headmaster
Government Boys Higher Secondary School
Sailagudi 623 120
Ramanathapuram District

**: Petitioners/
Appellants**



CMP(MD) No.6159/2022

Vs.

A.R.Ganapathi Sundaram

: Respondent

PRAYER in CMP(MD) No.6159/2022: Petition is filed under Section 5 of the Limitation Act, to condone the delay of 105 days in filing the writ appeal against the order dated 22.12.2021 in W.P.(MD) No.8860/2016.

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order dated 22.12.2021 in W.P.(MD) No.8860 of 2016.

For Petitioners/Appellants : Mr.S.Shaji Bino
Special Government Pleader

For Respondents : Ms.L.Juliet Caroline

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Petition has been filed to condone the delay of 105 days in preferring the writ appeal against the order dated 22.12.2021 in W.P.(MD) No.8860 of 2016.



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2. In Paragraph No.14 of the affidavit dated 30.06.2022 that has been sworn by Mr.A.Palamuthu, Chief Educational Officer, Ramanathapuram, in support of the application for condonation of delay, it is stated as follows:

“14. I submit that the writ petition order was passed on 22.12.2021. Subsequently it was signed on 19.01.2022 by the Sub Assistant Registrar (CS). The original order was received in our office on .. The case bundle was mingled with other bundles and traced out the bundle only after some days. The offices were closed due to pandemic COVID 19 and I was not able to contact competent authorities. After, I approached the Departmental authorities and Government Pleader to obtain opinion and we have preferred the writ appeal. Hence, there is a delay of 105 days in preferring the writ appeal. The delay is neither wilful nor wanton if the delay is not condoned the petitioners/appellants will be put to suffer with irreparable loss and great hardship.”

3. The above averments are palpably false for the simple reason that no Government office was closed on account of COVID-19 pandemic from 1st January '2022 onwards, as even according to the



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Government, COVID-19 was brought under control as early as first quarter of 2021. Thus, it is apparent that the officer concerned has filed this affidavit in a cavalier manner. On this short ground, this petition is dismissed. Consequently, writ appeal is rejected at the SR stage itself. No costs.

[P.N.P., J.] & [R.T., J.]
04.08.2022

Index : Yes/No

Internet : Yes

RR

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P.N.PRAKASH, J

AND

R.THARANI, J

RR

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CMP(MD) No.6159 of 2022 in
W.A.(MD) No.SR40698 of 2022

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